

**REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

No amendment, cancellation or addition of claims has been undertaken, and a claim listing is therefore not presented.

The Applicant wishes to acknowledge with gratitude the Examiner's indication that claims 13 and 14 are allowable in their present form. Applicant also respectfully requests that the Examiner give an indication that the drawings have been accepted, and whether the entire IDS has been considered.

**Objection to the Specification**

The specification was objected to at page 2 of the office action. The objection is believed to relate to the status of the applications referenced at page 1, line 5 of the application. This portion of the specification has been amended. Applicant requests an indication that the objection has been overcome.

**Rejection of claims 8 and 9 under 35 U.S.C. §103(a).**

At page 3, the office action rejected claims 8 and 9 under §103(a) over Strong or Reichert in view of Hudson. Applicant submits that the combination of Strong or Reichert with Hudson would not teach or suggest all elements of the claims to a person of ordinary skill in the art, and that the office action failed to establish a *prima facie* case of obviousness.

Specifically, neither Strong nor Reichert appear to disclose subpart (a) of claims 8 and 9. Strong shows that a wheel is placed in contact with a road surface at a particular *slip angle* (preferably 13 degrees to the direction of the wheels). *See* col. 5, lines 42-45. That is, the wheels are not aligned with the direction of travel. The Reichert Derwent abstract states that “[a]n accurately known torque is required to set the wheel in rotation”.

Hudson was cited in the office action as teaching the detection of a first instance of slip. However, it does not appear that Hudson teaches the monitoring of an instance of slip.

The portion cited by the office action refers to applying sand to the railway rails to increase the "adhesion" to the rails, which can be ascertained by reading the passage immediately before the cited passage, at col. 1 lines 37-44.

Thus, the cited references fail to teach, alone or in combination, all elements of the claims as required by MPEP §2143. Withdrawal of the rejection is therefore respectfully requested.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

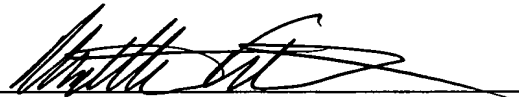
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

11/09/2005

By



FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 295-4618  
Facsimile: (202) 672-5399

Matthew A. Smith  
Attorney for Applicant  
Registration No. 49,003